

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA**

IN RE: )  
)  
MOTIONS TO EXTEND OR TERMINATE ) GENERAL ORDER 06-02  
THE AUTOMATIC STAY UNDER 11 U.S.C. )  
§§ 362(c)(3), 362(c)(4), and 521(a)(6). )

IT IS HEREBY ORDERED that proceedings filed pursuant to 11 U.S.C. §§ 362(c)(3), 362(c)(4) and 521(a)(6) shall conform to the requirements of Federal Rule of Bankruptcy Procedure 4001(a)(1) as supplemented by this General Order. This procedure is different from, and not governed by, Neb. R. Bankr. P. 9013-1.

**A. Hearing.** Upon the filing of the motion, the Clerk shall (1) set a date by which resistances must be filed; (2) schedule the matter for a final hearing to take place within 30 days, in conformity with Federal Rule of Bankruptcy Procedure 4001; and (3) provide notice thereof to the moving party. The hearing may be treated as a preliminary hearing pursuant to 11 U.S.C. § 362(e)(1) if the Court so elects. Unless otherwise ordered, the hearing will be upon affidavits or declarations and documentary evidence. Unless otherwise ordered, oral arguments will be scheduled in the courtroom or by telephone conference.

**B. Notice.** The moving party shall serve notice of the motion in the manner prescribed in Federal Rule of Bankruptcy Procedure 7004 upon the debtor and debtor's attorney, if any, and all parties in interest, including but not limited to those parties specifically designated in Federal Rule of Bankruptcy Procedure 4001(a)(1). In all cases in which a trustee has been appointed, the trustee or interim trustee shall be named and served as an additional responding party. The moving party shall immediately serve on all parties in interest the motion, proposed affidavit or declaration evidence or a detailed summary thereof, notice of the hearing date and the specific calendar date by which any resistance with evidentiary summary must be filed and served. The notice shall state that General Order 06-02 applies. Movant must file with the Court a Certificate of Service at least five (5) days prior to the resistance deadline.

(1) If no timely resistance is filed, the Court may rule on the motion without further notice or hearing.

(2) If a timely resistance is filed and served, with evidentiary material or summary, a hearing will take place as scheduled pursuant to this General Order, and the moving party and resisting party shall participate in the hearing.

(3) **Expedited Hearing.** If the movant requires an early hearing date, movant must file a separate Motion for Expedited Hearing containing the specific date on which the 30-day period expires.

**C. Evidentiary Materials.** Exhibits for hearings shall be filed with the Clerk in accordance with the requirements of Neb. R. Bankr. P. 9017-1. Evidence offered at the hearing shall be presented by affidavit or declaration pursuant to Neb. R. Bankr. P. 9017-1. Affidavits or declarations and exhibits shall be electronically filed with the Clerk's office at least three (3) business days prior to the hearing.

DATED: June 29, 2006

/s/ Timothy J. Mahoney  
Timothy J. Mahoney, Chief Judge